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10 **IN THE UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**  
12 **SAN FRANCISCO DIVISION**

13 CHARMAINE DE LOS REYES,  
14 Plaintiff,  
15 v.  
16 RUCHMAN AND ASSOCIATES, INC.,  
17 Defendant.

18 Case No. 3:14-cv-00534-WHO

19 **JOINT REQUEST AND ORDER TO**  
20 **STAY CASE PENDING JOINDER OF**  
21 **NECESSARY DEFENDANT**

22 Complaint Filed: February 4, 2014  
23 Trial Date: Not scheduled

24 Plaintiff CHARMAINE DE LOS REYES and Defendant RUCHMAN AND ASSOCIATES,  
25 INC. hereby jointly seek an order from the Court issuing a stay of proceedings in the above  
captioned matter until such a time that joinder of a necessary defendant may occur. Plaintiff asserts,  
as set forth in more detail below, that the U. S. Drug Enforcement Administration (“DEA”) is a  
potential Defendant in this action and a necessary party to the suit, but that legal action may not be  
brought against the DEA in this forum until Plaintiff has completed the multi-step exhaustion  
process which is a prerequisite to filing such an action against a Federal Agency. Defendant does  
not oppose the joinder. As such, the Parties jointly request a stay be issued and that initial dates and  
deadlines previously set by this Court be vacated.

26 **RECITALS/STIPULATION**

1        This is a wrongful termination/disability discrimination employment case. Plaintiff De Los  
2 Reyes worked at the U. S. Drug Enforcement Administration's ("DEA") San Francisco location as  
3 an Accounting Clerk from 2008-2013. She was placed in this position and employed/paid by third  
4 party contractor/private employer Ruchman and Associates, Inc. ("Ruchman").

5        In late April of 2013, Plaintiff commenced a leave of absence from work due to her alleged  
6 disability (major depression). She provided Ruchman, who in turn provided to the DEA,  
7 information regarding her requested leave. On June 3, 2013, and while Plaintiff was still absent  
8 from work, her employment was terminated.

9        Plaintiff asserts that both Ruchman and the DEA were involved in the decision to terminate  
10 her employment, and that this termination was in violation of California and Federal disability laws.

11        Defendant Ruchman denies that it violated any State or Federal law and asserts that it is not  
12 liable in this action.

13        Plaintiff asserts that given this information and given the nature of her employment (hired  
14 and paid by Ruchman, physically working at the DEA, and reporting to supervisors at both Ruchman  
15 and the DEA) both entities were her "joint employers" and that both Ruchman and the DEA may be  
16 liable for the wrongful termination/disability discrimination alleged in Plaintiff's complaint.

17        Defendant does not oppose the joinder of the DEA.

18        Plaintiff's counsel asserts that due to an impending statute of limitations deadline, Plaintiff  
19 was forced to file the above captioned action solely against private employer Defendant Ruchman.

20        Plaintiff could not include the DEA as a named Defendant in this action, because she has not  
21 yet completed the multi-step exhaustion process which is a prerequisite to filing such an action  
22 against a Federal Agency (see <http://www.eeoc.gov/eeoc/publications/fedprocess.cfm>).

23        Plaintiff is currently in the process of proceeding through necessary pre-litigation procedures  
24 against the DEA. Plaintiff's counsel requested a time estimate from the DEA regarding the length of  
25 these pre-litigation procedures, but was informed that no time-frame for completion of the process

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1 could be given. Plaintiff's counsel has and will continue to update Ruchman's counsel on the  
2 progress of such proceedings.

3 Due the above, counsel for both Parties have concluded that a stay of this present action  
4 would be appropriate until such a time when the DEA may be joined as a named Defendant to this  
5 action.

6 The Parties request that the Court issue a stay of proceedings and that initial dates and  
7 deadlines previously set by this Court be vacated.

8 DATED: March 12, 2014

**COSTIN LAW INC.**

9 By: \_\_\_\_\_ //s// \_\_\_\_\_  
10 ANNE COSTIN  
11 Attorney for Plaintiff

12 DATED: March 12, 2014

**WILSON ELSEW MOSKOWITZ EDELMAN &  
13 DICKER LLP**

14 By: \_\_\_\_\_ //s// \_\_\_\_\_  
15 LENORE KELLY  
16 Attorney for Defendant

17 **ORDER**

18 Based on the above joint request and good cause appearing therefore, the Court ORDERS the  
19 following: The Initial Case Management and ADR Deadlines previously set by this Court in its  
20 Order of February 5, 2014 are hereby VACATED. The Parties are ordered to file a joint status  
21 update on or before July 1, 2014, and every three months thereafter, with respect to the potential  
22 joinder of the DEA as a Defendant and any other matters germane to this case. Plaintiff shall  
23 promptly serve the DEA upon the exhaustion of the pre-litigation procedures mandated by the DEA  
24 if plaintiff's claim has not been resolved.

25 **IT IS SO ORDERED.**

26 DATED: March 13, 2014

27   
28 William H. Orrick  
United States District Judge